IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1413 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE A.M.KAPADIA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HANSABEN DHANJIBHAI SORATHIYA & 3 - Applicant(s)

Versus

POPATBHAI HIRABHAI & 7 - Opponent(s)

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Appearance :
MR YATIN SONI for Petitioner No(s).: 1,2,3,4.

RULE SERVED for Respondent No(s).: 1, 2, 3, 4, 5, 6,7.
- for Respondent No(s).: 8.
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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA

Date : 16/08/2005

ORAL JUDGMENT

1.By filing instant petition under Section 115 of the Code of Civil Procedure ('the Code' for short), the petitioners seek to challenge the order dated 21.8.1999

recorded below application exh.72 in Regular Civil Suit No. 963 of 1997 by the learned Civil Judge (SD), Rajkot by which the application filed by the respondents to withdraw police protection came to be allowed and thereby it was ordered not to give police protection to the petitioners.

2. Having heard Mr. K.B.Pancholi, learned advocate for Mr. Yatin Soni, learned advocate of the petitioners and on perusal of the impugned order, according to this Court, no infirmity or illegality, much less jurisdictional error has been committed by the learned trial Judge in passing the impugned order. By the said order the learned trial Judge has directed to withdraw the police protection which was granted earlier.

3. In aforesaid view of the matter, no interference is called for in the impugned order. Hence, the petition deserves to be rejected.

4. For the foregoing reasons, the petition fails and accordingly it is rejected with no order as to costs. Rule is discharged. Interim relief granted earlier shall stand vacated.

(A.M.Kapadia,J)

Jayanti*